

## **FLOOD MANAGEMENT**

Department of Economic & Community Development  
505 Hudson Street  
Hartford, CT 06106

Attn: Tim Sullivan, Deputy Commissioner

Re: **Approval of Certification & Exemption Request**  
**FM-201606057**  
223 Canal Street  
Shelton, CT

Dear Mr. Sullivan:

The Inland Water Resources Division of the Department of Energy & Environmental Protection has reviewed the flood management certification application and exemption request prepared by Keith Buda of Pereira Engineering, LLC and signed by Tim Sullivan, Deputy Commissioner of the Department of Economic and Community Development (“Certifying Agency”).

The certification and exemption request submitted on July 1, 2016 states that the proposed activity has been designed in compliance with the requirements of Section 25-68d(b) of the Connecticut General Statutes (CGS) and Section 25-68h-1 through 25-68h-3 of the Regulations of Connecticut State Agencies (RCSA) with the exception of Section 25-68d(b)(4) of the CGS.

Specifically, an exemption is requested from the provisions of Section 25-68d(b)(4) of the Connecticut General Statutes (CGS) which requires that proposed activities promote long term non-intensive floodplain uses and has utilities located to discourage floodplain development.

The project consists of brownfields site remediation and construction of a 68-unit residential housing structure in the City of Shelton, as shown on plans entitled, “Shelton River Front Development, Site “C” River Breeze Residential for 223 Canal Street, Shelton, CT” signed by Jose C. Pereira, P.E., dated March 21, 2016. The project is located within the 100-year floodplain of the Housatonic River.

The agency has determined that although the proposed development does not promote long-term non-intensive floodplain uses or have its utilities located to discourage floodplain development, it will not injure persons or damage property in the area of such activity or critical activity, has minimized the environmental impact and provides dry egress for the base flood event. In addition, the agency has determined that the activity is in the public interest, will not injure persons or damage property in the area of such activity or critical activity, and complies with the provisions of the National Flood Insurance Program.

Therefore, in accordance with CGS Section 25-68d(b) & (d), your request for approval of the above referenced certification and exemption request hereby is granted with the following conditions:

**Special Conditions:**

None

**Operating Conditions:**

1. This approval shall expire ten years after issuance or if the construction of any structures or facilities authorized herein is not commenced within three years of issuance of this approval.
2. The Certifying Agency may not make any alterations, except de minimis alterations, to any structure, facility, or activity authorized by this certification unless the Certifying Agency applies for and receives a modification of this certification. A de minimis alteration means a change in the design or operation of the authorized permit that does not increase its adverse environmental or other regulatory impacts.
3. In constructing or maintaining any structure or facility or conducting any activity authorized herein, or in removing any such structure or facility, the Certifying Agency shall employ best management practices to control storm water discharges, to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and other waters of the State. The Certifying Agency shall immediately inform the Commissioner of any adverse impact or hazard to the environment which occurs or is likely to occur as the direct result of the construction, maintenance, or conduct of structures, facilities, or activities authorized herein. Best Management Practices include, but are not limited, to practices identified in the *Connecticut Guidelines for Soil Erosion and Sediment Control* as revised, *2004 Connecticut Stormwater Quality Manual*, Department of Transportation's *ConnDOT Drainage Manual* as revised, and the Department of Transportation Standard Specifications as revised.
4. All temporary structures, cofferdams, and fill shall not impede the movement of flood flows and shall be removed at the completion of their use. The design of such temporary structure, cofferdams and fill shall be based on the DOT Drainage Manual, where applicable. All temporary and permanent fill shall be clean and free of stumps, rubbish, hazardous and toxic material.
5. The Certifying Agency shall cause equipment and materials to be removed from the floodplain during periods when flood warnings have been issued or are anticipated by a responsible federal, state or local agency. It shall be the Certifying Agency's responsibility to obtain such warnings when flooding is anticipated.

This authorization is subject to and does not derogate any present or future property rights or other rights or powers of the State of Connecticut, conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state, or local laws or regulations pertinent to the property or activity affected thereby. No revisions or alterations to the approved plans are allowed without first obtaining written approval from this Division of such alterations.

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If there are any questions, contact Stacy Pappano of the Inland Water Resources Division at 860-424-3362.

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Date

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Michael Sullivan  
Deputy Commissioner

CAC/sp

cc: Ned Moore, DECD, 505 Hudson Street, Hartford, CT 06106  
Keith Buda, Pereira Engineering, LLC, 1 Enterprise Drive - suite 312, Shelton, CT 06484